

### REMARKS

This paper is responsive to the Office Action mailed February 26, 2003. In the Office Action, Claims 1, 2, 4, 5, 8, 9, 11 and 12 were rejected under 35 U.S.C. § 102 as being anticipated by Pinkney et al. (IEEE, February 1999). Applicants respectfully traverse this rejection.

The Pinkney et al. article does not constitute prior art to the claims in the present application. The Pinkney et al. article was published less than one year before the filing of the present application. The Pinkney et al. article describes work performed by the co-inventors, John A. Pinkney and Spence T. Nichols, named herein. Notwithstanding the authorship set forth in the Pinkney et al. article, the subject matter claimed in the present application that is coextensive with the Pinkney et al. article was conceived solely by Mr. Pinkney and/or coinventor Mr. Nichols, and not by the other named co-authors of the Pinkney et al. article. As a side note, the Pinkney et al. article properly identifies Telecommunications Research Laboratories (as "TR Labs"), which is the assignee of the present application.

The Office Action also rejected Claims 1-3, 5, and 8-11 under 35 U.S.C. § 102 as being anticipated by Takeuchi et al. (IEEE, June 1998). Applicants respectfully traverse this rejection.

Claim 1 has been amended to include the limitations of Claim 4, which was rejected solely based upon Pinkney et al., and therefore should be allowed.

Claims 2, 3, 5 and 6-8 depend on allowable Claim 1, and therefore should also be allowed.

Claim 8 has been amended to recite that "the excitation of each of the plural filters corresponds to a different transmitted symbol value," which is neither disclosed nor suggested by Takeuchi et al.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

Claim 9 depends on allowable Claim 8 and therefore should also be allowed.

Claim 11 has been amended to include the limitations of Claim 12, which was rejected solely based upon Pinkney et al., and therefore should be allowed.

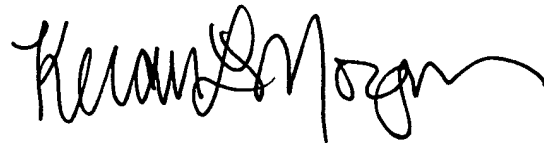
Claims 4, 10, and 12 have been canceled as redundant.

As to Claim 6, the rejection under 35 U.S.C. §103(a) is moot due to the amendment of Claim 1 to include the limitations of Claim 4.

In view of the foregoing, all claims are believed to be in allowable condition. Applicants, therefore, respectfully request the issuance of a Notice of Allowance at an early date. Should the Examiner have any questions or issues that can be addressed by telephone, the Examiner is invited to contact applicants' attorney at the number indicated below.

Respectfully submitted,

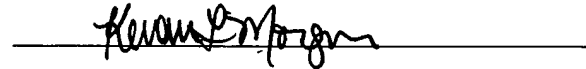
CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Kevan L. Morgan  
Registration No. 42,015  
Direct Dial No. 206.695.1712

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: May 27, 2003



KLM:skg

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100